

105TH CONGRESS  
1ST SESSION

# H. R. 729

To amend certain provisions of title 5, United States Code, relating to the treatment of Members of Congress and Congressional employees for retirement purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 1997

Mr. PRITS introduced the following bill; which was referred to the Committee on Government Reform and Oversight, and in addition to the Committee on House Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend certain provisions of title 5, United States Code, relating to the treatment of Members of Congress and Congressional employees for retirement purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Congressional Annuity  
5 Reform Act of 1997”.

6 **SEC. 2. AMENDMENT OF TITLE 5, UNITED STATES CODE.**

7 Except as otherwise expressly provided, whenever in  
8 this Act an amendment or repeal is expressed in terms

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1 of an amendment to, or repeal of, a section or other provi-  
 2 sion, the reference shall be considered to be made to a  
 3 section or other provision of title 5, United States Code.

4 **SEC. 3. CIVIL SERVICE RETIREMENT SYSTEM.**

5 (a) PROVISIONS RELATING TO MAXIMUM ANNUITY  
 6 ALLOWABLE PURSUANT TO COST-OF-LIVING ADJUST-  
 7 MENTS.—Section 8340(g)(1) is amended—

8 (1) in subparagraph (A) by striking “or” after  
 9 the semicolon;

10 (2) in subparagraph (B)—

11 (A) by striking “employee or Member” and  
 12 inserting “employee”;

13 (B) by striking “employee or Member,”  
 14 and inserting “employee,”;

15 (C) by striking “employee’s or Member’s”  
 16 and inserting “employee’s”; and

17 (D) by striking the period at the end of  
 18 subparagraph (B)(ii) and inserting “; or”; and

19 (3) by adding at the end the following:

20 “(C) the final pay (or average pay, if higher) of  
 21 the Member with respect to whom the annuity is  
 22 paid.”.

23 (b) PROVISIONS RELATING TO YEARS OF SERVICE AS  
 24 A MEMBER OF CONGRESS AND CONGRESSIONAL EM-  
 25 PLOYEE FOR PURPOSES OF COMPUTING AN ANNUITY.—

1 (1) MEMBERS.—

2 (A) IN GENERAL.—Section 8339(c) is  
3 amended by striking all that follows “with re-  
4 spect to—” and inserting the following:

5 “(1) so much of his service as a Member as is  
6 or was performed before the effective date of the  
7 Congressional Annuity Reform Act of 1997;

8 “(2) so much of his military service as—

9 “(A) is creditable for the purpose of this  
10 paragraph; and

11 “(B) is or was performed before the date  
12 referred to in paragraph (1); and

13 “(3) so much of his Congressional employee  
14 service as is or was performed before the date re-  
15 ferred to in paragraph (1);

16 by multiplying 2½ percent of his average pay by the years  
17 of that service.”.

18 (B) TECHNICAL AMENDMENT.—Section  
19 8332(d) is amended by striking “section  
20 8339(c)(1)” and inserting “section 8339(c)”.

21 (2) CONGRESSIONAL EMPLOYEES.—Section  
22 8339(b) is amended—

23 (A) by inserting “so much of” after “is  
24 computed with respect to”; and

1 (B) by inserting “as is or was performed  
 2 before the effective date of the Congressional  
 3 Annuity Reform Act of 1997,” before “by mul-  
 4 tiplying”.

5 (c) CONTRIBUTION RATES.—

6 (1) DEDUCTIONS.—The first sentence of section  
 7 8334(a)(1) is amended to read as follows: “The em-  
 8 ploying agency shall deduct and withhold 7 percent  
 9 of the basic pay of an employee and a Member, 7½  
 10 percent of the basic pay of a law enforcement officer  
 11 and a firefighter, and 8 percent of the basic pay of  
 12 a Claims Court judge, a United States magistrate,  
 13 a judge of the United States Court of Appeals for  
 14 the Armed Forces, and a bankruptcy judge.”.

15 (2) DEPOSITS.—

16 (A) FOR MEMBER SERVICE.—Section  
 17 8334(c) is amended in the matter relating to a  
 18 Member for Member service by striking

“8 ..... After December 31,  
 1969.”

19 and inserting the following:

“8 ..... January 1, 1970, to  
 (but not including)  
 the effective date of  
 the Congressional An-  
 nuity Reform Act of  
 1997.

“7 ..... On and after the effective date of the Congressional Annuity Reform Act of 1997.”.

1                    (B) FOR CONGRESSIONAL EMPLOYEE  
2                    SERVICE.—Section 8334(c) is amended in the  
3                    matter relating to a Member or employee for  
4                    Congressional employee service by striking

“7½ .... After December 31, 1969.”

5                    and inserting the following:

“7½ .... January 1, 1970, to  
                  (but not including)  
                  the effective date of  
                  the Congressional Annuity Reform Act of  
                  1997.

“7 ..... On and after the effective date of the Congressional Annuity Reform Act of 1997.”.

6    **SEC. 4. FEDERAL EMPLOYEES' RETIREMENT SYSTEM.**

7                    (a) PROVISIONS RELATING TO YEARS OF SERVICE AS  
8    A MEMBER OF CONGRESS AND CONGRESSIONAL EM-  
9    PLOYEE FOR PURPOSES OF COMPUTING AN ANNUITY.—  
10                    (1) MEMBERS.—Section 8415(b) is amended by  
11                    striking “shall” and inserting “shall, to the extent

1 that such service is or was performed before the ef-  
2 fective date of the Congressional Annuity Reform  
3 Act of 1997,”.

4 (2) CONGRESSIONAL EMPLOYEES.—Section  
5 8415(c) is amended by striking “shall” and inserting  
6 “shall, to the extent that such service is or was per-  
7 formed before the effective date of the Congressional  
8 Annuity Reform Act of 1997,”.

9 (3) PROVISIONS RELATING TO THE 1.1 PER-  
10 CENT ACCRUAL RATE.—Section 8339(g) is amend-  
11 ed—

12 (A) in paragraph (1) by striking “an em-  
13 ployee under paragraph (2),” and inserting “an  
14 employee or Member under paragraph (2),”;

15 (B) in paragraph (2) by inserting “or  
16 Member” after “in the case of an employee”  
17 and by striking “Congressional employee,”; and

18 (C) by adding at the end the following:

19 “(3) Notwithstanding any other provision of this sub-  
20 section—

21 “(A) this subsection shall not apply in the case  
22 of a Member or Congressional employee whose sepa-  
23 ration (on which entitlement to annuity is based) oc-  
24 curs before the effective date of the Congressional  
25 Annuity Reform Act of 1997; and

1           “(B) in the case of a Member or Congressional  
 2           employee to whom this subsection applies, the 1.1  
 3           percent accrual rate shall apply only with respect to  
 4           any period of service other than a period with re-  
 5           spect to which the 1.7 percent accrual rate applies  
 6           under subsection (b) or (c).”.

7           (b) CONTRIBUTION RATES.—

8           (1) DEDUCTIONS FROM PAY.—Section  
 9           8422(a)(2) is amended—

10                   (A) in subparagraph (A) by striking “air  
 11                   traffic controller, or Congressional employee)”  
 12                   and inserting “or air traffic controller) or Mem-  
 13                   ber,”; and

14                   (B) in subparagraph (B) by striking “a  
 15                   Member, law enforcement officer, firefighter, air  
 16                   traffic controller, or Congressional employee,”  
 17                   and inserting “a law enforcement officer, fire-  
 18                   fighter, or air traffic controller,”.

19           (2) GOVERNMENT CONTRIBUTIONS.—Section  
 20           8423(a)(1) is amended—

21                   (A) in subparagraph (A)(i) by striking  
 22                   “subparagraph (B)),” and inserting “subpara-  
 23                   graph (B)) and Members,”;

24                   (B) in subparagraph (B)(i) by striking  
 25                   “Members, Congressional employees,”; and

1 (C) in subparagraph (B)(ii) by striking  
2 “and Members”.

3 **SEC. 5. EFFECTIVE DATE.**

4 (a) IN GENERAL.—This Act shall take effect on the  
5 day after the next election of Representatives (within the  
6 meaning of the 27th article of amendment to the Constitu-  
7 tion of the United States) occurring after the date of the  
8 enactment of this Act.

9 (b) ANNUITY MAXIMUM.—The amendments made by  
10 section 3(a) shall apply with respect to annuities com-  
11 mencing on or after the date on which this Act takes ef-  
12 fect.

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